

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American sign language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**. To make arrangements for an assisted listening system (ALD) for the hearing impaired, please call: **Building Maintenance Department (714) 536-5534**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, AUGUST 20, 2001

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. – Room B-8

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff

[Present – Bauer arrived at 5:04 p.m.]

[City Clerk announced late communication received: slide report from Department of Public Works titled City of Huntington Beach – City Council Workshop – Orange County Water District - Groundwater Basin Management Update]

Public Comments Regarding Study Session and Closed Session Agenda Items

[None]

(City Council/Redevelopment Agency) Study Session – Orange County Water District (OCWD) Master Plan Update April 1999 Master Plan Report by OCWD General Manager (1000.80)

Presentation to be made by the Public Works Director Robert F. Beardsley, who will introduce William R. Mills Jr., General Manager of the Orange County Water District. Mr. Mills will report to the City Council on the progress made on the April 1999 Master Plan Report, a report that quantified the future increasing water demands on the Orange County groundwater basin. It also outlined numerous projects and strategies to meet those demands, including increasing the ability of the District to recharge water into the groundwater basin, removing colored water from the deep aquifers in the basin, diversification of water supply sources, and strengthening both the Talbert and Alamitos Barrier projects against seawater intrusion. A PowerPoint report will be presented.

[Slide report presented by O.C.W.D.]

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.ci.huntington-beach.ca.us>

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

[Approved 7-0]

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Opp v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 748927. Subject: **Opp v. City of Huntington Beach, et al.** (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **City of Huntington Beach v. State Board of Control of the California Public Employees' Retirement System [PERS]**; Court of Appeals Case No. G028210 consolidated with G026268 and G025673; Orange County Superior Court Case No. 816394. Subject: **City of Huntington Beach v. State Board of Control of the California Public Employees' Retirement System [PERS]**. (120.80)

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Mills Land & Water Company v. City of Huntington Beach, et al.**; Court of Appeal Case No. G020490, Orange County Superior Court Case No. 739412 ("Mills I"); **Mills Land & Water Company v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 763624 ("Mills II"). Subject: **Mills Land & Water Company v. City**. (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer
[Present]

Flag Ceremony and Pledge of Allegiance – Junior Troop 1932, 4th Grade, Smith School.
 Leader Karen Wicher.

Invocation – ~~Bruce Templeton, First Christian Church, Huntington Beach~~
Kelly Shanley, Media Production Coordinator

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

[City Clerk announced late communications received relative to agenda items: C-2a; D-1; F-2; and OCWD Master Plan Report held at 5:00 p.m. portion of meeting]

Presentation (120.70) – By Mayor Pam Julien Houchen, of a Certificate of Commendation to Willie Ito, Gymnast from South Coast Gymnastics Training Center, Santa Ana. Willie is the All Around Title Winner for Junior Elite Class 2, at the U.S. Championships in Philadelphia, PA., held August 8 – 11, 2001. He is also the U.S. National Champion on the Parallel Bars and the Pommel Horse. Willie is 16 years old and will be a Junior at Huntington Beach High School this year. Attending with him is his Coach Tim Picquelle, from South Coast Gymnastics Training Center, Santa Ana.

Presentation (120.70) – By Mayor Pam Julien Houchen to Dane Jankowiak, a Commendation recognizing him for winning the U.S. National Champion Cycling competition for 17 to 18 year olds, in Gainesville, Florida. Dane has qualified to compete in the World Cycling Championship in Lisbon, Portugal, in October 2001. He is a Huntington Beach High School graduate and a Huntington Beach resident.

The Mayor's Award (120.70) – to Donn Strook, Crew Leader, Public Works Department ***for his exemplary work as Supervisor of the Transportation Division. Mr. Strook is responsible for many cost and energy saving traffic signal improvements.***

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- (1) Several speakers expressing appreciation to Police Dept. & City Attorney's Office for proposed Police-Directed towing ordinance; also stating concern with provisions of ordinance.**
- (2) Speaker requesting elderly be exempt from sewer fee.**
- (3) Speakers in support of Agenda Item H-1a.**
- (4) Speaker requesting further study of Agenda Item H-1a.**
- (5) Many speakers in opposition to O.C. Sanitation District's application for 301-H waiver of Clean Water Act provisions, and establish secondary treatment; requesting Council to direct its representative on OCSD to request District to withdraw application for 301-H waiver.**
- (6) Speaker requesting assistance on behalf of Bluegate Homeowner's Assn. for refund of payments for work on street.**
- (7) Speaker inviting Council to a slide show presentation on the Redwoods at the Main Street Library.**
- (8) Speaker requesting Regional Water Quality Board be requested to review OCSD 301-H waiver; also that City Council adopt resolution opposing extension of 301-H wavier.**

[Discussion held between Council & public speaker re: Orange County Sanitation District 1996 Report on Sewage Discharge. Councilmember Green read communication for OCSD.]

- (9) Speaker in opposition to how the O.C. Sanitation District is managed in relation to sewage discharge.**

- (10) Speaker opposed to manner of space rental increases in mobilehome parks.***
- (11) Speaker in opposition to charter amendment that will appear on the City's March 2002 city ballot which would prohibit rent control for mobilehomes & requested Council again to adopt a resolution against this.***
- (12) Speaker requesting waiver for city to allow her to keep more animals than allowed by city code.***

C-1. Council Committee/Council Liaison Reports

C-1a. (City Council)

C-2. City Administrator's Report

C-2a. (City Administrator's Report) Report on Capital Projects Completed During Fiscal Year 2000/01 Including Report Re: Agenda Item E-4 – Brookhurst/Edinger/Springdale/Magnolia Arterial Street Rehabilitation Project (320.40)

An overview will be presented by the Deputy City Engineer of city-wide capital projects completed by the Public Works Department over the past budget cycle. Included will be a briefing on street projects included in agenda item E-4 – the Arterial Street Rehabilitation Project.

[Report presented. Discussion held between Council and staff.]

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Appeal Filed by Mayor Pro Tem Debbie Cook and Councilmember Ralph Bauer of the Planning Commission's Approval of Coastal Development Permit No. 01-06 and Conditional Use Permit No. 01-09 (Applicant Debra True for a Block Wall at 17171 Westport Drive, n/o Courtney Lane) (420.40)

Public hearing to consider:

Applicant: Debra True

Appellants: Mayor Pro Tem Debbie Cook and Councilmember Ralph Bauer

Request: Appeal Filed by Mayor Pro Tem Debbie Cook and Councilmember Ralph Bauer to the Planning Commission's Approval of Coastal Development Permit No. 01-06 and Conditional Use Permit No. 01-09 to permit the construction of a combination 4-foot high retaining wall and a 6-foot high block wall with a total height of ten feet, along the rear property line of a through lot, in lieu of the 42-inch maximum height.

Location: 17171 Westport Drive (west side of Westport Drive, approximately 45' north of Courtney Lane).

Environmental Status: Notice is hereby given that this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

Coastal Status: Notice is hereby given that this agenda item is located in the non-appealable jurisdiction of the Coastal Zone and includes Coastal Development Permit No. 01-06, filed on February 2, 2001, in conjunction with the above request.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after Friday, August 17, 2001.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

(Continued on Next Page)

**Communication and petition submitted by Carole Garrett on August 14, 2001 listing approximately 34 signatures of persons opposing CUP No. 01-09.

**Communication from Marilyn Willsie, dated August 14, 2001 in opposition to CUP No. 01-09.

Recommended Action: Motion to:

Planning Commission and Staff Recommendation: Motion to:

Approve Conditional Use Permit No. 01-09 and Coastal Development Permit No. 01-06 with findings and conditions of approval as approved by the Planning Commission on April 24, 2001 (Attachment No. 1).

[City Administrator recused himself as his residence is in the vicinity.]

[DENIED CUP No. 01-09 with findings for denial on Attachment No. 6 (5-2 Green, Garofalo No)]

D-2. (City Council) Recommendation to Open Public Hearing and to Continue to September 4, 2001 the Consideration of Annual Review and Monitoring Report of the June 2000 to June 2001 Downtown Parking Master Plan (Area Generally Bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) (440.30)

Public hearing to open and continue open to Tuesday, September 4, 2001:

Applicant: City of Huntington Beach Planning Department

Request: Annual review of the Downtown Parking Master Plan addressing building activity between June 1, 2000 and June 1, 2001.

Location: Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street).

Environmental Status: Notice is hereby given that this agenda item is covered under Environmental Impact Report No. 82-2, approved in conjunction with the Downtown Specific Plan.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after Friday, August 17, 2001.

ALL INTERESTED PERSONS are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 536-5271 and refer to the above items. Direct your written communications to the City Clerk.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion:

That Council open the public hearing and continue action on the 2001 Downtown Parking Master Plan (DPMP) Annual Review and Monitoring Report to the September 4, 2001 City Council meeting.

[Approved 6-0-1 (Dettloff out of room)]

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency regular meetings of August 6, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved 6-0-1 (Cook out of room)]
- E-2. **(City Council) Approve Year 2001/02 Human Relations Task Force Student Appointments – Michelle Luu/Mitchell Luu/Philips/Edwards/Singer/Carrasco/Kar and Student Re-appointments – El-Ahraf/Dang** (110.20) – Appoint the following students to serve on the Human Relations Task Force: **1.** Approve the appointments of Michelle Luu, Mitchell Luu, Amanda Philips, Mark Edwards, Sarah Singer, Olivia Carrasco, and Mikhail Kar as recommended by City Council Liaisons Ralph Bauer and Shirley Dettloff with terms to expire May 31, 2002; and **2.** Approve the re-appointments of Hadeel El-Ahraf and Mai Dang as recommended by City Council Liaisons Ralph Bauer and Shirley Dettloff with terms to expire May 31, 2002. Submitted by Administration. Funding Source: None required.
[Approved 6-0-1 (Cook out of room)]
- E-3. **(City Council) Approve City Council Position on Legislation Pending Before the State Legislature, and Congress as Recommended by the City Council Intergovernmental Relations Committee** (120.70) – The City Council Intergovernmental Relations Committee has reviewed the legislation below and is recommending that the City Council take a position on the following items and authorize the Mayor to send letters reflecting those positions to the legislators: **Motion:** Oppose **AB 1414 (Dickerson)** which would require *departments, boards, commissions, and conservancies within the Resources Agency* to prepare an annual report of acquisition targets for the coming year. It would also require them to prepare management plans within 18 months of the recordation date for any new land they acquire after January 1, 2002. Submitted by Councilmember Shirley Dettloff, Chair Person of the Intergovernmental Relations Committee, and Mayor Pro Tem Debbie Cook, and Councilmember Ralph Bauer. Funding Source: Not Applicable.
[Approved 6-0-1 (Cook out of room)]

- E-4. **(City Council) Adopt Resolution No. 2001-53 Executing State of California-Federal Aid Program Supplement Nos. M013 to M015 to Master Agreement No. 12-5181 and Accept Bid to Award the Construction Contract to R. J. Noble Company for Brookhurst/Edinger/Springdale/Magnolia Arterial Street Rehabilitation Projects; CC-1145, CC-1146, CC-1147, CC-1148** (600.20/600.50) – 1. Adopt Resolution No. 2001-53 – “A Resolution of the City Council of the City of Huntington Beach Authorizing the Mayor and City Clerk to Execute Program Supplement Nos. M012, M013, M014 and M015 to Agreement No. 12-5181 for the Brookhurst Street, Edinger Avenue, Springdale Street and Magnolia Street Rehabilitation Construction Improvements;” and 2. Accept the bid submitted by R. J. Noble Company for the construction of the Street Rehabilitation projects, which is the lowest responsible/ responsive bid received; and 3. Approve and authorize the Mayor and the City Clerk to execute a construction contract between the City of Huntington Beach and R. J. Noble Company in the amount of \$2,910,360 for the construction of the Street Rehabilitation projects in substantially the same form as the previously approved sample contract; and 4. Authorize the Finance Director to appropriate \$1,425,459 from Fund 207 (Gas Tax), to Account 20790008.82300 (Arterial Rehabilitation, Street Improvements); and 5. Authorize the Finance Director to appropriate \$1,141,401 from Fund 207 (Gas Tax), to Account 20790008.82300; and establish off-setting revenue in the Fund 890 (TEA Grant); and 6. Authorize the Director of Public Works to expend up to \$3,346,860, which includes the contract cost of \$2,910,360, estimated contingency of \$291,000, and \$145,000 in undesignated supplemental expenditures. Submitted by the Public Works Director. Funding Sources: Arterial Highway Rehabilitation Program (AHRP) grant, Gas Tax Entitlement funds and Arterial Highway Rehabilitation Funds (AB 2928) - \$3,346,860 Project Funding. (The staff report identifies the four streets and their boundaries which were awarded funding for Fiscal Year 2000-01.)
[Approved 6-0-1 (Cook out of room)]

- E-5. **(City Council) Approve Plans and Specifications and Authorize Advertisement of Bids for Spread Spectrum Radio Communication at 11 Signalized Intersections Project CC-1052 – Approve Sample Construction Contract** (600.55) – 1. Approve plans and specifications, and authorize the Director of Public Works to request bids for the Spread Spectrum Radio Communication Project; and 2. Approve the attached Sample Contract subject to award of the contract to the lowest responsive/responsible bidder. Submitted by the Public Works Director. Funding Source: A grant in the amount of \$51,200 is available from OCTA. \$12,800 Matching Funds - Measure M, Minor Street Improvements account. Budget will be appropriated upon award of the contract.
[Approved 6-0-1 (Cook out of room)]

- E-6. **(City Council) Approve Affordable Housing Agreement Containing Covenants Affecting Real Property Between the City and Property Owner Ron Metzler for Shea Vickers Development, LLC (The Tides – 77 Multi-Unit Family Homes e/o Goldenwest Street, n/o Summit Drive – Tract No. 15603 and Tract 16180)** (600.10) – Approve the Agreement Containing Covenants Affecting Real Property by and between the City of Huntington Beach and Shea Vickers Development, LLC – titled *Declaration of Conditions, Covenants and Restrictions for Property (Resale Restriction)*, and authorize the Mayor and City Clerk to sign and execute (Attachment No. 1). Submitted by the Planning Director. Funding Source: Not Applicable. (The agreement will restrict 12 townhouses (15% of 77 units) to moderate income families for a period of 30 years.)
[Approved 6-0-1 (Cook out of room)]
- E-7. **(City Council) Approve Legal Services Agreement Between the City and Gibbs, Giden, Locher & Turner to Serve as Sole Source Contract Special Counsel to the City in Conjunction with Ionic Construction v. City** (600.10) – Approve *Agreement between the City of Huntington Beach and Gibbs, Giden, Locher & Turner, A Limited Liability Partnership for Legal Services Related to Public Works Matters*; and authorize the Mayor and City Clerk to execute the agreement. Submitted by the City Attorney. Funding Source: General Fund - \$50,000.
[Approved 6-0-1 (Cook out of room)]
- E-8. **(City Council) Approve Appointment of Richard Moore to the Library Board of Trustees** (110.20) – Appoint Richard Moore to his first four year term (7/1/01-6/30/05), to the Library Board of Trustees as recommended by the City Council Library Board Council Liaisons Peter Green and Shirley Dettloff. Submitted by the Library Services Director. Funding Source: Not Applicable.
[Approved 6-0-1 (Cook out of room)]
- E-9. **(City Council) Adopt Resolution No. 2001-54 Establishing a Process for Providing City Council Permission for Councilmember Absences from City Council Meetings** (120.10) – Adopt **Resolution No. 2001-54** – “A Resolution of the City Council of the City of Huntington Beach Establishing a Process for Providing City Council Permission for Council Member Absences from Meetings.” Submitted by the City Attorney. Funding Source: Not Applicable.
[Approved 6-0-1 (Cook out of room)]

F. Administrative Items**F-1. (City Council) Approve Introduction of Ordinance No. 3503 – Modifying Permitting Requirements and Increasing Rates of Police-Directed Towing Services and Adopt Resolution No. 2001-52 – Authorize Bid Process for Tow Service Selection 530.30)**

Communication submitted by the City Attorney and the Police Chief requesting Council approval to delete permitting requirements for police directed tow services and enter into contracts with police-directed tow operators via a request for qualifications process and increase the allowable rates to be charged by police-directed tow services (A City Council study session was held regarding this item on August 6, 2001.)

**Communication received from MetroPro Auto Service dated August 16, 2001 with recommendations on the Police-Directed Towing Ordinance.

Recommended Action: After City Clerk reads by title, motion to:

1. Approve introduction of **Ordinance No. 3503** – *“An Ordinance of the City of Huntington Beach Amending Chapter 5.66 of the Huntington Beach Municipal Code Relating to Police-Directed Motor Vehicle Towing Service”* removing permitting requirements for non-consensual towing services;

and

2. Adopt **Resolution No. 2001-52** – *“A Resolution of the City Council of the City of Huntington Beach Establishing a City Fee Schedule for Police Directed Towing Services and Garage Impounds;”*

and

3. Authorize staff to initiate the police-directed tow service selection process using the attached *Request for Qualifications for Police-Directed Towing and Storage Services* and sample agreement.

[Approved & Adopted Recommended Actions 1, 2 & 3 and Towing Committee recommendations: 200 vehicles (57,600 sq. ft. of storage); On-site office and storage facility; and Six tow vehicles permanently stored in City during rotation - 4-3 (Boardman, Cook, Bauer No)]

F-2. (City Council) Approve Introduction of Three Ordinances Establishing Sewer Service User Fee, Rates and Charges (640.10)

Communication from the Director of Public Works transmitting the following three ordinances which are required to implement the different elements of the sewer service user charge:

Recommended Motions: After the City Clerk reads each ordinance by title:

(City Council) Approve Introduction of Ordinance No. 3504 – Implementation of Sewer Service Charge (640.10)

1. Approve introduction of **Ordinance No. 3504** – Implementation of Sewer Service Charge – *“An Ordinance of the City of Huntington Beach Adopting Chapter 14.54 of the Huntington Beach Municipal Code Regarding Implementation of a Sewer Service User Charge Pursuant to California Health & Safety Code Section 5470, Et Seq. and Making Findings in Support Thereof;”*

[Approved Introduction of Ord. No. 3504 (6-0-1 Garofalo No)]

and

(City Council) Approve Introduction of Ordinance No. 3505 – Adoption of Rates, Charges, Annual Inflation Adjustment and Billing Methodology for the Sewer Service User Charge (640.10)

2. Approve introduction of **Ordinance No. 3505** – Adoption of Rates, Charges, Annual Inflation Adjustment and Billing Methodology for the Sewer Service User Charge – *“An Ordinance of the City of Huntington Beach Adopting Chapter 14.55 of the Huntington Beach Municipal Code Regarding Adoption of Rates, Charges, Annual CPIU Adjustment, and Billing Methodology for the Sewer Service User Charge.”* (CPIU is Consumer Price Index for All Urban Consumers in Los Angeles, Orange and Riverside Counties established by the U.S. Bureau of Labor Statistics);

[Approved Introduction of Ord. No. 3505 (6-0-1 Garofalo No)]

and

(City Council) Approve Introduction of Ordinance No. 3506 – Amends the Huntington Beach Municipal Code by Amending Section 2111.030 Pertaining to the Public Works Commission (640.10)

3. Approve introduction of **Ordinance No. 3506** – Amends the Huntington Beach Municipal Code by Amending Section 2111.030 Pertaining to the Public Works Commission – *“An Ordinance of the City of Huntington Beach Amending Chapter 2.111 of the Huntington Beach Municipal Code by Amending Section 2.111.030 Pertaining to Duties of the Public Works Commission.”*

[Approved Introduction of Ord. No. 3506 (6-0-1 Garofalo No)]

Note: Five Affirmative Votes of Council Required for Adoption of Ordinance No. 3504 and Ordinance No. 3505. Adoption is Scheduled for the September 4, 2001 Council Meeting.

[Motion that the City’s Financial Policy be amended to designate \$700,000 from the General Fund to augment the Sewer Fee - Approved 5-2 (Green, Garofalo No)]

G. Ordinances**G-1. Ordinance for Adoption - None****G-2. Ordinances for Introduction – See Agenda Items F-1 and F-2****H. City Council/Redevelopment Agency Items****H-1a. Submitted by Councilmember Ralph Bauer****(City Council) Direct Staff to Conduct Cost Feasibility Study Re: Huntington Harbour Flood Control Channel Diversion of Storm Drains to the Orange County Sanitation District Plant (550.20)**

Communication received from Councilmember Ralph Bauer transmitting the following **Statement of Issue:** Because of the possible relationship between urban run-off and beach contamination, we have had a program that diverts urban run-off in the southern parts of Huntington Beach to the Orange County Sanitation District plant. More recently, the staff has generated some information on the cost of diverting the Wintersburg Channel into the sewer system and then to the sanitation plant.

It would be of value to receive an evaluation on the feasibility of diverting the remaining flood control channels in Huntington Harbour into the sewer system.

Recommended Action: Motion to:

Direct staff to return to the Council with an evaluation of costs for diverting the remaining flood control channels in Huntington Harbour into the sewer system.

[Approved 7-0]

H-2a. Submitted By Councilmember Dave Garofalo**(City Council) Adopt Resolution No. 2001-55 Suspending for Fiscal Year 2001-2002 the Property Tax Override to Pay for Employee Retirement Benefits** (340.90)

Communication from Councilmember Dave Garofalo submitting the following **Statement of Issue**: At the July 16, 2001 City Council meeting, the City Council voted 4-3 in favor of adopting Resolution No. 2001-43 fixing the Fiscal Year 2001/02 tax rate for the City of Huntington Beach at \$0.04930 per \$100 of assessed valuation and impounding the tax revenue. At the August 6, 2001 City Council Meeting, I brought forward a City Councilmember "H" Item requesting the reconsideration of the supplemental tax for employee retirement benefits. The Council approved my recommendation to reconsider the July 16, 2001 supplemental tax for employee retirement benefits.

In March of this year the Orange County Superior Court rendered a decision in *Howard Jarvis Taxpayer Association vs. City of Huntington Beach* regarding this tax. The City Council has authorized appeal of the Superior Court's decision in the Jarvis lawsuit. Until this appeal is resolved, it is my current position that the City should reconsider maintaining the tax rate for Fiscal Year 2001/2002 at \$0.00000 per \$100 of assessed valuation.

Recommended Action: Motion to:

Adopt **Resolution No. 2001-55** – "*A Resolution of the City Council of the City of Huntington Beach Suspending for Fiscal Year 2001/2002 the Property Tax Override to Pay for Employee Retirement Benefits.*"

[Adopted 4-3 (Green, Dettloff, Bauer No)]

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, August 27, 2001, at 4:00 p.m., in the Council Chambers, Civic Center, 2000 Main Street, Huntington Beach, California.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office by Mail and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Annexes on Friday Prior to Meetings. Video Tapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

CONNIE BROCKWAY, CITY CLERK
City of Huntington Beach
2000 Main Street - Second Floor
Huntington Beach, California 92648

Internet: <http://www.ci.huntington-beach.ca.us>